

Ex. 4

Farhad Khosravi

Highly Confidential
Palo Alto, CA

April 30, 2004

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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CERTIFIED

COPY

MEDTRONIC VASCULAR, INC.,) Civil Action No. 98-80-SLR
and MEDTRONIC USA, INC.) (Consolidated with Civil

) Action No. 98-314-SLR and
Plaintiffs,) Civil Action No. 98-316-SLR)

VS.

ADVANCED CARDIOVASCULAR
SYSTEMS, INC.,

Defendant.

HIGHLY CONFIDENTIAL TRANSCRIPT
VIDEOTAPED DEPOSITION OF FARHAD KHOSRAVI
FRIDAY, APRIL 30, 2004

Deposition of FARHAD KHOSRAVI, taken on behalf
of Medtronic, at 700 Hanson Way, Palo Alto,
California, commencing at 9:34 A.M., on FRIDAY, APRIL
30, 2004, before LESIA J. MERVIN, CSR No. 4753, RMR,
Certified Realtime Reporter.

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1 A. I don't recall if I did.

2 Q. Did you ever see a copy of a patent
3 application on Boneau stent technology?

4 A. I don't recall if I have.

5 MR. FLORES: I'd like to have marked as our
6 Exhibit 11 a document entitled, "Application For
7 Letters Patents For Endovascular Support Device and
8 Method," bearing production numbers ACS 22831 through
9 -45.

10 (Whereupon, Deposition Exhibit 11 was marked
11 for identification.)

12 BY MR. FLORES:

13 Q. Would you review this document,
14 Mr. Khosravi, in sufficient detail to be able to answer
15 the question whether you have ever seen this document
16 before today? Can you answer the question now? Have
17 you ever seen this document before today, our Exhibit
18 11?

19 A. No, I have not.

20 Q. Okay. Did you at any time, while you
21 were at ACS, become aware of the existence of an
22 application for patent on the Boneau stent technology?

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1 A. Not that I can recall.

2 Q. Did Dr. Stertzer ever mention the
3 existence of a patent application on that technology?

4 A. Not that I can recall.

5 Q. Did he mention the possibility of
6 such -- that a patent application would be filed on the
7 Boneau stent technology?

8 A. Not that I can recall.

9 Q. Do you recall whether anybody ever
10 mentioned the possibility that a copy of the patent
11 application would be a good way to get information
12 about the Boneau stent technology?

13 A. No.

14 Q. When you were evaluating the Boneau
15 stent technology in connection with your July 1990
16 feasibility review, did you or anyone else at ACS
17 consider the possibility of looking to the patent
18 application as a source of information about Boneau's
19 stent?

20 A. Not that I can recall.

21 MR. FLORES: I'd like to mark as our next,
22 Exhibit 12, a one-page letter dated March 9, 1990, from

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1 described in both Atlanta and in Dallas?

2 A. I have no doubts.

3 Q. Okay. And one last question.

4 Mr. Flores asked you, and there was a quote where you

5 talked about if you made the Boneau out of a tube the

6 same way as the Bronco, would it become the Bronco.

7 And just to be clear for the record, you're not saying

8 if you took the single Boneau stent and you made it out

9 of a tube, it would be the same as a Bronco, correct?

10 You identified a bunch of differences.

11 A. No, I'm not saying that.

12 Q. Okay. What are you saying when you say

13 that?

14 A. I'm saying that if you make the -- make

15 Boneau out of a tube, make the segments short enough,

16 have the number of segments closely enough connected to

17 each other, then effectively it's a Bronco stent.

18 Q. But do you see the two designs as being

19 at all similar?

20 A. No.

21 MR. MORIN: That's it. I have no further

22 questions. Thank you everyone.